

United States Court of Appeals

FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 30th day of September, two thousand twenty-one.

Before: Pierre N. Leval,
Robert D. Sack,
Michael H. Park,
Circuit Judges.

We The Patriots USA, Inc., Diane Bono,
Michelle Melendez, Michelle Synakowski,

Plaintiffs-Appellants,

21-2179

v.

Kathleen Hochul, Howard A. Zucker, M.D.,

Defendants-Appellees.

Plaintiffs-Appellants move for a temporary injunction pending resolution of this appeal, prohibiting enforcement of New York State's regulation requiring vaccination of specified healthcare workers. IT IS HEREBY ORDERED that the motion is GRANTED IN PART and DENIED IN PART. *See Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63, 66 (2020). Appellees are hereby ENJOINED, pending resolution of the appeal or further order of this Court, from enforcing the mandate against persons claiming religious exemptions, in a manner that would violate the terms stated in the temporary restraining order entered by the district court in *Dr. A v. Hochul*, No. 21-cv-1009 (N.D.N.Y. Sept. 14, 2021). The motion is otherwise DENIED.

IT IS FURTHER ORDERED that the appeal will be heard by the panel sitting on October 14, 2021 beginning at 9:00 a.m. Each party will be allotted 10 minutes of argument time. Appellants' brief is due on October 4, 2021 at 9:00 a.m. Appellees' brief is due on October 7, 2021 at 5:00 p.m. The reply brief, if any, is due on October 8, 2021 at 5:00 p.m.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court


